

THE 2 DROVERS

MR. CROFTANGRY INTRODUCES ANOTHER TALE.

*Together both on the high lawns appeared.
Under the opening eyelids of the morn
They drove afield.*

—ELEGY ON LYCIDAS.

I have sometimes wondered why all the favourite occupations and pastimes of mankind go to the disturbance of that happy state of tranquillity, that OTIUM, as Horace terms it, which he says is the object of all men's prayers, whether preferred from sea or land; and that the undisturbed repose, of which we are so tenacious, when duty or necessity compels us to abandon it, is precisely what we long to exchange for a state of excitation, as soon as we may prolong it at our own pleasure. Briefly, you have only to say to a man, "Remain at rest," and you instantly inspire the love of labour. The sportsman toils like his gamekeeper, the master of the pack takes as severe exercise as his whipper-in, the statesman or politician drudges more than the professional lawyer; and, to come to my own case, the volunteer author subjects himself to the risk of painful criticism, and the assured certainty of mental and manual labour, just as completely as his needy brother, whose necessities compel him to assume the pen.

These reflections have been suggested by an annunciation on the part of Janet, "that the little Gillie-whitefoot was come from the printing-office."

"Gillie-blackfoot you should call him, Janet," was my response, "for he is neither more nor less than an imp of the devil, come to torment me for COPY, for so the printers call a supply of manuscript for the press."

"Now, Cot forgie your honour," said Janet; "for it is no like your ainsell to give such names to a faitherless bairn."

"I have got nothing else to give him, Janet; he must wait a little."

"Then I have got some breakfast to give the bit gillie," said Janet; "and he can wait by the fireside in the kitchen, till your honour's ready; and cood enough for the like of him, if he was to wait your honour's pleasure all day."

"But, Janet," said I to my little active superintendent, on her return to the parlour, after having made her hospitable arrangements, "I begin to find this writing our Chronicles is rather more tiresome than I expected, for here comes this little fellow to ask for manuscript — that is, for something to print — and I have got none to give him."

"Your honour can be at nae loss. I have seen you write fast and fast enough; and for subjects, you have the whole Highlands to write about, and I am sure you know a hundred tales better than that about Hamish MacTavish, for it was but about a young cateran and an auld carlin, when all's done; and if they had burned the rudas quean for a witch, I am thinking, may be they would not have tyned their coals — and her to gar her ne'er-do-weel son shoot a gentleman Cameron! I am third cousin to the Camerons mysel' — my blood warms to them. And if you want to write about deserters, I am sure there were deserters enough on the top of Arthur's Seat, when the MacRaas broke out, and on that woeful day beside Leith Pier — ohonari!" —

Here Janet began to weep, and to wipe her eyes with her apron. For my part, the idea I wanted was supplied, but I hesitated to make use of it. Topics, like times, are apt to become common by frequent use. It is only an ass like Justice Shallow, who would pitch upon the over-scudched tunes, which the carmen whistled, and try to pass them off as his FANCIES and his GOOD-NIGHTS. Now, the Highlands, though formerly a rich mine for original matter, are, as my friend Mrs. Bethune Baliol warned me, in some degree worn out by the incessant labour of modern romancers and novelists, who, finding in those remote regions primitive habits and manners, have vainly imagined that the public can never tire of them; and so kilted Highlanders are to be found as frequently, and nearly of as genuine descent, on the shelves of a circulating library, as at a Caledonian ball. Much might have been made at an earlier time out of the history of a Highland regiment, and the singular revolution of ideas which must have taken place in the minds of those who composed it, when exchanging their native hills for the battle-fields of the Continent, and their simple, and sometimes indolent domestic habits for the regular exertions demanded by modern discipline. But the market is forestalled. There is Mrs. Grant of Laggan, has drawn the manners, customs, and superstitions of the mountains in their natural unsophisticated state; ⁴⁴ and my friend, General Stewart of Garth, ⁴⁵ in giving the real history of the Highland regiments, has rendered any attempt to fill up the sketch with fancy-colouring extremely rash and precarious. Yet I, too, have still a lingering fancy to add a stone to the cairn; and without calling in imagination to aid the impressions of juvenile recollection, I may just attempt to embody one or two

scenes illustrative of the Highland character, and which belong peculiarly to the Chronicles of the Canongate, to the grey-headed eld of whom they are as familiar as to Chrystal Croftangry. Yet I will not go back to the days of clanship and claymores. Have at you, gentle reader, with a tale of Two Drovers. An oyster may be crossed in love, says the gentle Tilburina — and a drover may be touched on a point of honour, says the Chronicler of the Canongate.

⁴⁴ Letters from the Mountains, 3 vols. — Essays on the Superstitions of the Highlanders — The Highlanders, and other Poems, etc.

⁴⁵ The gallant and amiable author of the History of the Highland Regiments, in whose glorious services his own share had been great, went out Governor of St Lucia in 1828, and died in that island on the 18th of December 1829 — no man more regretted, or perhaps by a wider circle of friends and acquaintance.



CHAPTER I.

It was the day after Doune Fair when my story commences. It had been a brisk market. Several dealers had attended from the northern and midland counties in England, and English money had flown so merrily about as to gladden the hearts of the Highland farmers. Many large droves were about to set off for England, under the protection of their owners, or of the topsmen whom they employed in the tedious, laborious, and responsible office of driving the cattle for many hundred miles, from the market where they had been purchased, to the fields or farmyards where they were to be fattened for the shambles.

The Highlanders in particular are masters of this difficult trade of driving, which seems to suit them as well as the trade of war. It affords exercise for all their habits of patient endurance and active exertion. They are required to know perfectly the drove-roads, which lie over the wildest tracts of the country, and to avoid as much as possible the highways, which distress the feet of the bullocks, and the turnpikes, which annoy the spirit of the drover; whereas on the broad green or grey track which leads across the pathless moor, the herd not only move at ease and without taxation, but, if they mind their business, may pick up a mouthful of food by the way. At night the drovers usually sleep along with their cattle, let the weather be what it will; and many of these hardy men do not once rest under a roof during a journey on foot from Lochaber to Lincolnshire. They are paid very highly, for the trust reposed in them is of the last importance, as it depends on their prudence, vigilance, and honesty whether the cattle reach the final market in good order, and afford a profit to the grazier. But as they maintain themselves at their own expense, they are especially economical in that particular. At the period we speak of, a Highland drover was victualled for his long and toilsome journey with a few handfulls of oatmeal and two or three onions, renewed from time to time, and a ram's horn filled with whisky, which he used regularly, but sparingly, every night and morning. His dirk, or SKENE-DHU, (that is, black-knife), so worn as to be concealed beneath the arm, or by the folds of the plaid, was his only weapon, excepting the cudgel with which he directed the movements of the cattle. A Highlander was never so happy as on these occasions. There was a variety in the whole journey, which exercised the Celt's natural curiosity and love of motion. There were the constant change of place and scene, the petty adventures incidental to the traffic, and the intercourse with the various farmers, graziers, and traders, intermingled with occasional merry-makings, not the less acceptable to Donald that they were void of expense. And there was the consciousness of superior skill; for the Highlander, a child amongst flocks, is a prince amongst herds, and his natural habits induce him to disdain the shepherd's slothful life, so that he feels himself nowhere more at home than when following a gallant drove of his country cattle in the character of their guardian.

Of the number who left Doune in the morning, and with the purpose we have described, not a GLUNAMIE of them all cocked his bonnet more briskly, or gartered his tartan hose under knee over a pair of more promising SPIOGS, (legs), than did Robin Oig M'Combich, called familiarly Robin Oig, that is young, or the Lesser, Robin. Though small of stature, as the epithet Oig implies, and not very strongly limbed, he was as light and alert as one of the deer of his mountains. He had an elasticity of step which, in the course of a long march, made many a stout fellow envy him; and the manner in which he busked his plaid and adjusted his bonnet argued a consciousness that so smart a John Highlandman as himself would not pass unnoticed among the Lowland lasses. The ruddy cheek, red lips, and white teeth set off a countenance which had gained by exposure to the weather a healthful and hardy rather than a rugged hue. If Robin Oig did not laugh, or even smile frequently — as, indeed, is not the practice among his countrymen — his bright eyes usually gleamed from under his bonnet with an expression of cheerfulness ready to be turned into mirth.

The departure of Robin Oig was an incident in the little town, in and near which he had many friends, male and female. He was a topping person in his way, transacted considerable business on his own behalf, and was entrusted by the best farmers in the Highlands, in preference to any other drover in that district. He might have increased his business to any extent had he condescended to manage it by deputy; but except a lad or two, sister's sons of his own, Robin rejected the idea of assistance, conscious, perhaps, how much his reputation depended upon his attending in person to the practical discharge of his duty in every instance. He remained, therefore, contented with the highest premium given to persons of his description, and comforted himself with the hopes that a few journeys to England might enable him to conduct business on his own account, in a manner becoming his birth. For Robin Oig's father, Lachlan M'Combich (or SON OF MY FRIEND, his actual clan surname being M'Gregor), had been so called by the celebrated Rob Roy, because of the particular

friendship which had subsisted between the grandsire of Robin and that renowned cateran. Some people even said that Robin Oig derived his Christian name from one as renowned in the wilds of Loch Lomond as ever was his namesake Robin Hood in the precincts of merry Sherwood. "Of such ancestry," as James Boswell says, "who would not be proud?" Robin Oig was proud accordingly; but his frequent visits to England and to the Lowlands had given him tact enough to know that pretensions which still gave him a little right to distinction in his own lonely glen, might be both obnoxious and ridiculous if preferred elsewhere. The pride of birth, therefore, was like the miser's treasure — the secret subject of his contemplation, but never exhibited to strangers as a subject of boasting.

Many were the words of gratulation and good-luck which were bestowed on Robin Oig. The judges commended his drove, especially Robin's own property, which were the best of them. Some thrust out their snuff-mulls for the parting pinch, others tendered the DOCH-AN-DORRACH, or parting cup. All cried, "Good-luck travel out with you and come home with you. Give you luck in the Saxon market — brave notes in the LEABHAR-DHU," (black pocket-book), "and plenty of English gold in the SPORRAN" (pouch of goat-skin).

The bonny lasses made their adieus more modestly, and more than one, it was said, would have given her best brooch to be certain that it was upon her that his eye last rested as he turned towards the road.

Robin Oig had just given the preliminary "HOO-HOO!" to urge forward the loiterers of the drove, when there was a cry behind him:—

"Stay, Robin — bide a blink. Here is Janet of Tomahourich — auld Janet, your father's sister."

"Plague on her, for an auld Highland witch and spaewife," said a farmer from the Carse of Stirling; "she'll cast some of her cantrips on the cattle."

"She canna do that," said another sapient of the same profession. "Robin Oig is no the lad to leave any of them without tying Saint Mungo's knot on their tails, and that will put to her speed the best witch that ever flew over Dimayet upon a broomstick."

It may not be indifferent to the reader to know that the Highland cattle are peculiarly liable to be TAKEN, or infected, by spells and witchcraft, which judicious people guard against by knitting knots of peculiar complexity on the tuft of hair which terminates the animal's tail.

But the old woman who was the object of the farmer's suspicion seemed only busied about the drover, without paying any attention to the drove. Robin, on the contrary, appeared rather impatient of her presence.

"What auld-world fancy," he said, "has brought you so early from the ingle-side this morning, Muhme? I am sure I bid you good-even, and had your God-speed, last night."

"And left me more siller than the useless old woman will use till you come back again, bird of my bosom," said the sibyl. "But it is little I would care for the food that nourishes me, or the fire that warms me, or for God's blessed sun itself, if aught but weel should happen to the grandson of my father. So let me walk the DEASIL round you, that you may go safe out into the far foreign land, and come safe home."

Robin Oig stopped, half embarrassed, half laughing, and signing to those around that he only complied with the old woman to soothe her humour. In the meantime, she traced around him, with wavering steps, the propitiation, which some have thought has been derived from the Druidical mythology. It consists, as is well known, in the person who makes the DEASIL walking three times round the person who is the object of the ceremony, taking care to move according to the course of the sun. At once, however, she stopped short, and exclaimed, in a voice of alarm and horror, "Grandson of my father, there is blood on your hand."

"Hush, for God's sake, aunt!" said Robin Oig. "You will bring more trouble on yourself with this TAISHATARAGH" (second sight) "than you will be able to get out of for many a day."

The old woman only repeated, with a ghastly look, "There is blood on your hand, and it is English blood. The blood of the Gael is richer and redder. Let us see — let us —"

Ere Robin Oig could prevent her, which, indeed, could only have been by positive violence, so hasty and peremptory were her proceedings, she had drawn from his side the dirk which lodged in the folds of his plaid, and held it up, exclaiming, although the weapon gleamed clear and bright in the sun, "Blood, blood — Saxon blood again. Robin Oig M'Combich, go not this day to England!"

"Prutt, trutt," answered Robin Oig, "that will never do neither — it would be next thing to running the country. For

shame, Muhme — give me the dirk. You cannot tell by the colour the difference betwixt the blood of a black bullock and a white one, and you speak of knowing Saxon from Gaelic blood. All men have their blood from Adam, Muhme. Give me my skene-dhu, and let me go on my road. I should have been half way to Stirling brig by this time. Give me my dirk, and let me go.”

“Never will I give it to you,” said the old woman — “Never will I quit my hold on your plaid — unless you promise me not to wear that unhappy weapon.”

The women around him urged him also, saying few of his aunt’s words fell to the ground; and as the Lowland farmers continued to look moodily on the scene, Robin Oig determined to close it at any sacrifice.

“Well, then,” said the young drover, giving the scabbard of the weapon to Hugh Morrison, “you Lowlanders care nothing for these freats. Keep my dirk for me. I cannot give it you, because it was my father’s; but your drove follows ours, and I am content it should be in your keeping, not in mine. — Will this do, Muhme?”

“It must,” said the old woman — “that is, if the Lowlander is mad enough to carry the knife.”

The strong Westlandman laughed aloud.

“Goodwife,” said he, “I am Hugh Morrison from Glenae, come of the Manly Morrisons of auld lang syne, that never took short weapon against a man in their lives. And neither needed they. They had their broadswords, and I have this bit supple” — showing a formidable cudgel; “for dirking ower the board, I leave that to John Highlandman. — Ye needna snort, none of you Highlanders, and you in especial, Robin. I’ll keep the bit knife, if you are feared for the auld spaewife’s tale, and give it back to you whenever you want it.”

Robin was not particularly pleased with some part of Hugh Morrison’s speech; but he had learned in his travels more patience than belonged to his Highland constitution originally, and he accepted the service of the descendant of the Manly Morrisons without finding fault with the rather depreciating manner in which it was offered.

“If he had not had his morning in his head, and been but a Dumfriesshire hog into the boot, he would have spoken more like a gentleman. But you cannot have more of a sow than a grumph. It’s shame my father’s knife should ever slash a haggis for the like of him.”

Thus saying, (but saying it in Gaelic), Robin drove on his cattle, and waved farewell to all behind him. He was in the greater haste, because he expected to join at Falkirk a comrade and brother in profession, with whom he proposed to travel in company.

Robin Oig’s chosen friend was a young Englishman, Harry Wakefield by name, well known at every northern market, and in his way as much famed and honoured as our Highland driver of bullocks. He was nearly six feet high, gallantly formed to keep the rounds at Smithfield, or maintain the ring at a wrestling match; and although he might have been overmatched, perhaps, among the regular professors of the Fancy, yet, as a yokel or rustic, or a chance customer, he was able to give a bellyful to any amateur of the pugilistic art. Doncaster races saw him in his glory, betting his guinea, and generally successfully; nor was there a main fought in Yorkshire, the feeders being persons of celebrity, at which he was not to be seen if business permitted. But though a SPRACK lad, and fond of pleasure and its haunts, Harry Wakefield was steady, and not the cautious Robin Oig M’Combich himself was more attentive to the main chance. His holidays were holidays indeed; but his days of work were dedicated to steady and persevering labour. In countenance and temper, Wakefield was the model of Old England’s merry yeomen, whose clothyard shafts, in so many hundred battles, asserted her superiority over the nations, and whose good sabres, in our own time, are her cheapest and most assured defence. His mirth was readily excited; for, strong in limb and constitution, and fortunate in circumstances, he was disposed to be pleased with every thing about him, and such difficulties as he might occasionally encounter were, to a man of his energy, rather matter of amusement than serious annoyance. With all the merits of a sanguine temper, our young English drover was not without his defects. He was irascible, sometimes to the verge of being quarrelsome; and perhaps not the less inclined to bring his disputes to a pugilistic decision, because he found few antagonists able to stand up to him in the boxing ring.

It is difficult to say how Harry Wakefield and Robin Oig first became intimates, but it is certain a close acquaintance had taken place betwixt them, although they had apparently few common subjects of conversation or of interest, so soon as their talk ceased to be of bullocks. Robin Oig, indeed, spoke the English language rather imperfectly upon any other topics but stots and kyloes, and Harry Wakefield could never bring his broad Yorkshire tongue to utter a single word of Gaelic. It

was in vain Robin spent a whole morning, during a walk over Minch Moor, in attempting to teach his companion to utter, with true precision, the shibboleth LLHU, which is the Gaelic for a calf. From Traquair to Murder Cairn, the hill rung with the discordant attempts of the Saxon upon the unmanageable monosyllable, and the heartfelt laugh which followed every failure. They had, however, better modes of awakening the echoes; for Wakefield could sing many a ditty to the praise of Moll, Susan, and Cicely, and Robin Oig had a particular gift at whistling interminable pibrochs through all their involutions, and what was more agreeable to his companion's southern ear, knew many of the northern airs, both lively and pathetic, to which Wakefield learned to pipe a bass. Thus, though Robin could hardly have comprehended his companion's stories about horse-racing, and cock-fighting, or fox-hunting, and although his own legends of clan-fights and CREAGHS, varied with talk of Highland goblins and fairy folk, would have been caviare to his companion, they contrived, nevertheless to find a degree of pleasure in each other's company, which had for three years back induced them to join company and travel together, when the direction of their journey permitted. Each, indeed, found his advantage in this companionship; for where could the Englishman have found a guide through the Western Highlands like Robin Oig M'Combich? and when they were on what Harry called the RIGHT side of the Border, his patronage, which was extensive, and his purse, which was heavy, were at all times at the service of his Highland friend, and on many occasions his liberality did him genuine yeoman's service.



CHAPTER II.

*Were ever two such loving friends! —
How could they disagree?
Oh, thus it was, he loved him dear,
And thought how to requite him,
And having no friend left but he,
He did resolve to fight him.*

—DUKE UPON DUKE.

THE pair of friends had traversed with their usual cordiality the grassy wilds of Liddesdale, and crossed the opposite part of Cumberland, emphatically called The Waste. In these solitary regions the cattle under the charge of our drovers derived their subsistence chiefly by picking their food as they went along the drove-road, or sometimes by the tempting opportunity of a START AND OWERLOUP, or invasion of the neighbouring pasture, where an occasion presented itself. But now the scene changed before them. They were descending towards a fertile and enclosed country, where no such liberties could be taken with impunity, or without a previous arrangement and bargain with the possessors of the ground. This was more especially the case, as a great northern fair was upon the eve of taking place, where both the Scotch and English drover expected to dispose of a part of their cattle, which it was desirable to produce in the market rested and in good order. Fields were therefore difficult to be obtained, and only upon high terms. This necessity occasioned a temporary separation betwixt the two friends, who went to bargain, each as he could, for the separate accommodation of his herd. Unhappily it chanced that both of them, unknown to each other, thought of bargaining for the ground they wanted on the property of a country gentleman of some fortune, whose estate lay in the neighbourhood. The English drover applied to the bailiff on the property, who was known to him. It chanced that the Cumbrian Squire, who had entertained some suspicions of his manager's honesty, was taking occasional measures to ascertain how far they were well founded, and had desired that any enquiries about his enclosures, with a view to occupy them for a temporary purpose, should be referred to himself. As however, Mr. Ireby had gone the day before upon a journey of some miles distance to the northward, the bailiff chose to consider the check upon his full powers as for the time removed, and concluded that he should best consult his master's interest, and perhaps his own, in making an agreement with Harry Wakefield. Meanwhile, ignorant of what his comrade was doing, Robin Oig, on his side, chanced to be overtaken by a good-looking smart little man upon a pony, most knowingly hogged and cropped, as was then the fashion, the rider wearing tight leather breeches, and long-necked bright spurs. This cavalier asked one or two pertinent questions about markets and the price of stock. So Robin, seeing him a well-judging civil gentleman, took the freedom to ask him whether he could let him know if there was any grass-land to be let in that neighbourhood, for the temporary accommodation of his drove. He could not have put the question to more willing ears. The gentleman of the buckskins was the proprietor, with whose bailiff Harry Wakefield had dealt, or was in the act of dealing.

"Thou art in good luck, my canny Scot," said Mr. Ireby, "to have spoken to me, for I see thy cattle have done their day's work, and I have at my disposal the only field within three miles that is to be let in these parts."

"The drove can pe gang two, three, four miles very pratty weel indeed"—said the cautious Highlander; "put what would his honour pe axing for the peasts pe the head, if she was to tak the park for twa or three days?"

"We won't differ, Sawney, if you let me have six stots for winterers, in the way of reason."

"And which peasts wad your honour pe for having?"

"Why — let me see — the two black — the dun one — yon doddy — him with the twisted horn — the brockit — How much by the head?"

"Ah," said Robin, "your honour is a shudge — a real shudge. I couldna have set off the pest six peasts petter mysel'— me that ken them as if they were my pairns, puir things."

"Well, how much per head, Sawney?" continued Mr. Ireby.

"It was high markets at Doune and Falkirk," answered Robin.

And thus the conversation proceeded, until they had agreed on the PRIZ JUSTE for the bullocks, the Squire throwing in the temporary accommodation of the enclosure for the cattle into the boot, and Robin making, as he thought, a very good bargain, provided the grass was but tolerable. The Squire walked his pony alongside of the drove, partly to show him

the way, and see him put into possession of the field, and partly to learn the latest news of the northern markets.

They arrived at the field, and the pasture seemed excellent. But what was their surprise when they saw the bailiff quietly inducting the cattle of Harry Wakefield into the grassy Goshen which had just been assigned to those of Robin Oig M'Combich by the proprietor himself! Squire Ireby set spurs to his horse, dashed up to his servant, and learning what had passed between the parties, briefly informed the English drover that his bailiff had let the ground without his authority, and that he might seek grass for his cattle wherever he would, since he was to get none there. At the same time he rebuked his servant severely for having transgressed his commands, and ordered him instantly to assist in ejecting the hungry and weary cattle of Harry Wakefield, which were just beginning to enjoy a meal of unusual plenty, and to introduce those of his comrade, whom the English drover now began to consider as a rival.

The feelings which arose in Wakefield's mind would have induced him to resist Mr. Ireby's decision; but every Englishman has a tolerably accurate sense of law and justice, and John Fleecebumpkin, the bailiff, having acknowledged that he had exceeded his commission, Wakefield saw nothing else for it than to collect his hungry and disappointed charge, and drive them on to seek quarters elsewhere. Robin Oig saw what had happened with regret, and hastened to offer to his English friend to share with him the disputed possession. But Wakefield's pride was severely hurt, and he answered disdainfully, "Take it all, man — take it all; never make two bites of a cherry. Thou canst talk over the gentry, and blear a plain man's eye. Out upon you, man. I would not kiss any man's dirty latches for leave to bake in his oven."

Robin Oig, sorry but not surprised at his comrade's displeasure, hastened to entreat his friend to wait but an hour till he had gone to the Squire's house to receive payment for the cattle he had sold, and he would come back and help him to drive the cattle into some convenient place of rest, and explain to him the whole mistake they had both of them fallen into. But the Englishman continued indignant: "Thou hast been selling, hast thou? Ay, ay; thou is a cunning lad for kenning the hours of bargaining. Go to the devil with thyself, for I will ne'er see thy fause loon's visage again — thou should be ashamed to look me in the face."

"I am ashamed to look no man in the face," said Robin Oig, something moved; "and, moreover, I will look you in the face this blessed day, if you will bide at the Clachan down yonder."

"Mayhap you had as well keep away," said his comrade; and turning his back on his former friend, he collected his unwilling associates, assisted by the bailiff, who took some real and some affected interest in seeing Wakefield accommodated.

After spending some time in negotiating with more than one of the neighbouring farmers, who could not, or would not, afford the accommodation desired, Henry Wakefield at last, and in his necessity, accomplished his point by means of the landlord of the alehouse at which Robin Oig and he had agreed to pass the night, when they first separated from each other. Mine host was content to let him turn his cattle on a piece of barren moor, at a price little less than the bailiff had asked for the disputed enclosure; and the wretchedness of the pasture, as well as the price paid for it, were set down as exaggerations of the breach of faith and friendship of his Scottish crony. This turn of Wakefield's passions was encouraged by the bailiff, (who had his own reasons for being offended against poor Robin, as having been the unwitting cause of his falling into disgrace with his master), as well as by the innkeeper, and two or three chance guests, who stimulated the drover in his resentment against his quondam associate — some from the ancient grudge against the Scots, which, when it exists anywhere, is to be found lurking in the Border counties, and some from the general love of mischief, which characterises mankind in all ranks of life, to the honour of Adam's children be it spoken. Good John Barleycorn also, who always heightens and exaggerates the prevailing passions, be they angry or kindly, was not wanting in his offices on this occasion, and confusion to false friends and hard masters was pledged in more than one tankard.

In the meanwhile Mr. Ireby found some amusement in detaining the northern drover at his ancient hall. He caused a cold round of beef to be placed before the Scot in the butler's pantry, together with a foaming tankard of home-brewed, and took pleasure in seeing the hearty appetite with which these unwonted edibles were discussed by Robin Oig M'Combich. The Squire himself lighting his pipe, compounded between his patrician dignity and his love of agricultural gossip, by walking up and down while he conversed with his guest.

"I passed another drove," said the Squire, with one of your countrymen behind them. They were something less beasts than your drove — doddies most of them. A big man was with them. None of your kilts, though, but a decent pair of breeches. D'ye know who he may be?"

“Hout aye; that might, could, and would be Hughie Morrison. I didna think he could hae been sae weel up. He has made a day on us; but his Argyleshires will have wearied shanks. How far was he behind?”

“I think about six or seven miles,” answered the Squire, “for I passed them at the Christenbury Crag, and I overtook you at the Hollan Bush. If his beasts be leg-weary, he will be maybe selling bargains.”

“Na, na, Hughie Morrison is no the man for pargains — ye maun come to some Highland body like Robin Oig hersel’ for the like of these. Put I maun pe wishing you goot night, and twenty of them, let alane ane, and I maun down to the Clachan to see if the lad Harry Waakfelt is out of his humdudgeons yet.”

The party at the alehouse were still in full talk, and the treachery of Robin Oig still the theme of conversation, when the supposed culprit entered the apartment. His arrival, as usually happens in such a case, put an instant stop to the discussion of which he had furnished the subject, and he was received by the company assembled with that chilling silence which, more than a thousand exclamations, tells an intruder that he is unwelcome. Surprised and offended, but not appalled by the reception which he experienced, Robin entered with an undaunted and even a haughty air, attempted no greeting, as he saw he was received with none, and placed himself by the side of the fire, a little apart from a table at which Harry Wakefield, the bailiff, and two or three other persons, were seated. The ample Cumbrian kitchen would have afforded plenty of room, even for a larger separation.

Robin thus seated, proceeded to light his pipe, and call for a pint of twopenny.

“We have no twopence ale,” answered Ralph Heskett the landlord; “but as thou find’st thy own tobacco, it’s like thou mayst find thy own liquor too — it’s the wont of thy country, I wot.”

“Shame, goodman,” said the landlady, a blithe, bustling housewife, hastening herself to supply the guest with liquor. “Thou knowest well enow what the strange man wants, and it’s thy trade to be civil, man. Thou shouldst know, that if the Scot likes a small pot, he pays a sure penny.”

Without taking any notice of this nuptial dialogue, the Highlander took the flagon in his hand, and addressing the company generally, drank the interesting toast of “Good markets” to the party assembled.

“The better that the wind blew fewer dealers from the north,” said one of the farmers, “and fewer Highland runts to eat up the English meadows.”

“Saul of my pody, put you are wrang there, my friend,” answered Robin, with composure; “it is your fat Englishmen that eat up our Scots cattle, puir things.”

“I wish there was a summat to eat up their drovers,” said another; “a plain Englishman canna make bread within a kenning of them.”

“Or an honest servant keep his master’s favour but they will come sliding in between him and the sunshine,” said the bailiff.

“If these pe jokes,” said Robin Oig, with the same composure, “there is ower mony jokes upon one man.”

“It is no joke, but downright earnest,” said the bailiff. “Harkye, Mr. Robin Ogg, or whatever is your name, it’s right we should tell you that we are all of one opinion, and that is, that you, Mr. Robin Ogg, have behaved to our friend Mr. Harry Wakefield here, like a raff and a blackguard.”

“Nae doubt, nae doubt,” answered Robin, with great composure; “and you are a set of very pretty judges, for whose prains or pehaviour I was not gie a pinch of sneeshing. If Mr. Harry Waakfelt kens where he is wranged, he kens where he may be righted.”

“He speaks truth,” said Wakefield, who had listened to what passed, divided between the offence which he had taken at Robin’s late behaviour, and the revival of his habitual feelings of regard.

He now rose, and went towards Robin, who got up from his seat as he approached, and held out his hand.

“That’s right, Harry — go it — serve him out,” resounded on all sides — “tip him the nailer — show him the mill.”

“Hold your peace all of you, and be — ” said Wakefield; and then addressing his comrade, he took him by the extended hand, with something alike of respect and defiance. “Robin,” he said, “thou hast used me ill enough this day; but if you mean, like a frank fellow, to shake hands, and take a tussle for love on the sod, why I’ll forgie thee, man, and we shall be better friends than ever.”

“And would it not pe petter to pe cood friends without more of the matter?” said Robin; “we will be much petter

friendships with our panes hale than proken.”

Harry Wakefield dropped the hand of his friend, or rather threw it from him.

“I did not think I had been keeping company for three years with a coward.”

“Coward pelongs to none of my name,” said Robin, whose eyes began to kindle, but keeping the command of his temper. “It was no coward’s legs or hands, Harry Waakfelt, that drew you out of the fords of Frew, when you was drifting ower the plack rock, and every eel in the river expected his share of you.”

“And that is true enough, too,” said the Englishman, struck by the appeal.

“Adzooks!” exclaimed the bailiff — “sure Harry Wakefield, the nattiest lad at Whitson Tryste, Wooler Fair, Carlisle Sands, or Stagshaw Bank, is not going to show white feather? Ah, this comes of living so long with kilts and bonnets — men forget the use of their daddles.”

“I may teach you, Master Fleecebumpkin, that I have not lost the use of mine,” said Wakefield and then went on. “This will never do, Robin. We must have a turn-up, or we shall be the talk of the country-side. I’ll be d — d if I hurt thee — I’ll put on the gloves gin thou like. Come, stand forward like a man.”

“To be peaten like a dog,” said Robin; “is there any reason in that? If you think I have done you wrong, I’ll go before your shudge, though I neither know his law nor his language.”

A general cry of “No, no — no law, no lawyer! a bellyful and be friends,” was echoed by the bystanders.

“But,” continued Robin, “if I am to fight, I have no skill to fight like a jackanapes, with hands and nails.”

“How would you fight then?” said his antagonist; “though I am thinking it would be hard to bring you to the scratch anyhow.”

“I would fight with broadswords, and sink point on the first plood drawn — like a gentlemans.”

A loud shout of laughter followed the proposal, which indeed had rather escaped from poor Robin’s swelling heart, than been the dictate of his sober judgment.

“Gentleman, quotha!” was echoed on all sides, with a shout of unextinguishable laughter; “a very pretty gentleman, God wot. — Canst get two swords for the gentleman to fight with, Ralph Heskett?”

“No, but I can send to the armoury at Carlisle, and lend them two forks, to be making shift with in the meantime.”

“Tush, man,” said another, “the bonny Scots come into the world with the blue bonnet on their heads, and dirk and pistol at their belt.”

“Best send post,” said Mr. Fleecebumpkin, “to the Squire of Corby Castle, to come and stand second to the GENTLEMAN.”

In the midst of this torrent of general ridicule, the Highlander instinctively griped beneath the folds of his plaid,

“But it’s better not,” he said in his own language. “A hundred curses on the swine-eaters, who know neither decency nor civility!”

“Make room, the pack of you,” he said, advancing to the door.

But his former friend interposed his sturdy bulk, and opposed his leaving the house; and when Robin Oig attempted to make his way by force, he hit him down on the floor, with as much ease as a boy bowls down a nine-pin.

“A ring, a ring!” was now shouted, until the dark rafters, and the hams that hung on them, trembled again, and the very platters on the BINK clattered against each other. “Well done, Harry” — “Give it him home, Harry” — “Take care of him now — he sees his own blood!”

Such were the exclamations, while the Highlander, starting from the ground, all his coldness and caution lost in frantic rage, sprung at his antagonist with the fury, the activity, and the vindictive purpose of an incensed tiger-cat. But when could rage encounter science and temper? Robin Oig again went down in the unequal contest; and as the blow was necessarily a severe one, he lay motionless on the floor of the kitchen. The landlady ran to offer some aid, but Mr. Fleecebumpkin would not permit her to approach.

“Let him alone,” he said, “he will come to within time, and come up to the scratch again. He has not got half his broth yet.”

“He has got all I mean to give him, though,” said his antagonist, whose heart began to relent towards his old associate;

“and I would rather by half give the rest to yourself, Mr. Fleecebumpkin, for you pretend to know a thing or two, and Robin had not art enough even to peel before setting to, but fought with his plaid dangling about him. — Stand up, Robin, my man! All friends now; and let me hear the man that will speak a word against you, or your country, for your sake.”

Robin Oig was still under the dominion of his passion, and eager to renew the onset; but being withheld on the one side by the peacemaking Dame Heskett, and on the other, aware that Wakefield no longer meant to renew the combat, his fury sunk into gloomy sullenness.

“Come, come, never grudge so much at it, man,” said the brave-spirited Englishman, with the placability of his country; “shake hands, and we will be better friends than ever.”

“Friends!” exclaimed Robin Oig with strong emphasis — “friends! Never. Look to yourself, Harry Waakfelt.”

“Then the curse of Cromwell on your proud Scots stomach, as the man says in the play, and you may do your worst, and be d — d; for one man can say nothing more to another after a tussle, than that he is sorry for it.”

On these terms the friends parted. Robin Oig drew out, in silence, a piece of money, threw it on the table, and then left the alehouse. But turning at the door, he shook his hand at Wakefield, pointing with his forefinger upwards, in a manner which might imply either a threat or a caution. He then disappeared in the moonlight.

Some words passed after his departure, between the bailiff, who piqued himself on being a little of a bully, and Harry Wakefield, who, with generous inconsistency, was now not indisposed to begin a new combat in defence of Robin Oig’s reputation, “although he could not use his daddles like an Englishman, as it did not come natural to him.” But Dame Heskett prevented this second quarrel from coming to a head by her peremptory interference. “There should be no more fighting in her house,” she said; “there had been too much already. — And you, Mr. Wakefield, may live to learn,” she added, “what it is to make a deadly enemy out of a good friend.”

“Pshaw, dame! Robin Oig is an honest fellow, and will never keep malice.”

“Do not trust to that; you do not know the dour temper of the Scots, though you have dealt with them so often. I have a right to know them, my mother being a Scot.”

“And so is well seen on her daughter,” said Ralph Heskett.

This nuptial sarcasm gave the discourse another turn. Fresh customers entered the tap-room or kitchen, and others left it. The conversation turned on the expected markets, and the report of prices from different parts both of Scotland and England. Treaties were commenced, and Harry Wakefield was lucky enough to find a chap for a part of his drove, and at a very considerable profit — an event of consequence more than sufficient to blot out all remembrances of the unpleasant scuffle in the earlier part of the day. But there remained one party from whose mind that recollection could not have been wiped away by the possession of every head of cattle betwixt Esk and Eden.

This was Robin Oig M’Combich. “That I should have had no weapon,” he said, “and for the first time in my life! Blighted be the tongue that bids the Highlander part with the dirk. The dirk — ha! the English blood! My Muhme’s word! When did her word fall to the ground?”

The recollection of the fatal prophecy confirmed the deadly intention which instantly sprang up in his mind.

“Ha! Morrison cannot be many miles behind; and if it were an hundred, what then?”

His impetuous spirit had now a fixed purpose and motive of action, and he turned the light foot of his country towards the wilds, through which he knew, by Mr. Ireby’s report, that Morrison was advancing. His mind was wholly engrossed by the sense of injury — injury sustained from a friend; and by the desire of vengeance on one whom he now accounted his most bitter enemy. The treasured ideas of self-importance and self-opinion — of ideal birth and quality, had become more precious to him, (like the hoard to the miser) because he could only enjoy them in secret. But that hoard was pillaged — the idols which he had secretly worshipped had been desecrated and profaned. Insulted, abused, and beaten, he was no longer worthy, in his own opinion, of the name he bore, or the lineage which he belonged to. Nothing was left to him — nothing but revenge; and as the reflection added a galling spur to every step, he determined it should be as sudden and signal as the offence.

When Robin Oig left the door of the alehouse, seven or eight English miles at least lay betwixt Morrison and him. The advance of the former was slow, limited by the sluggish pace of his cattle; the latter left behind him stubble-field and hedgerow, crag and dark heath, all glittering with frost-rime in the broad November moonlight, at the rate of six miles an hour. And now the distant lowing of Morrison’s cattle is heard; and now they are seen creeping like moles in size and

slowness of motion on the broad face of the moor; and now he meets them — passes them, and stops their conductor.

“May good betide us,” said the Westlander. “Is this you, Robin M’Combich, or your wraith?”

“It is Robin Oig M’Combich,” answered the Highlander, “and it is not. But never mind that, put pe giving me the skene-dhu.”

“What! you are for back to the Highlands! The devil! Have you selt all off before the fair? This beats all for quick markets!”

“I have not sold — I am not going north — maybe I will never go north again. Give me pack my dirk, Hugh Morrison, or there will pe words between us.”

“Indeed, Robin, I’ll be better advised before I gie it back to you; it is a wanchancy weapon in a Highlandman’s hand, and I am thinking you will be about some harns-breaking.”

“Prutt, trutt! let me have my weapon,” said Robin Oig impatiently.

“Hooly and fairly,” said his well-meaning friend. “I’ll tell you what will do better than these dirking doings. Ye ken Highlander, and Lowlander, and Border-men are a’ ae man’s bairns when you are over the Scots dyke. See, the Eskdale callants, and fighting Charlie of Liddesdale, and the Lockerby lads, and the four Dandies of Lustruther, and a wheen mair grey plaids, are coming up behind; and if you are wranged, there is the hand of a Manly Morrison, we’ll see you righted, if Carlisle and Stanwix baith took up the feud.”

“To tell you the truth,” said Robin Oig, desirous of eluding the suspicions of his friend, “I have enlisted with a party of the Black Watch, and must march off tomorrow morning.”

“Enlisted! Were you mad or drunk? You must buy yourself off. I can lend you twenty notes, and twenty to that, if the drove sell.”

“I thank you — thank ye, Hughie; but I go with good-will the gate that I am going. So the dirk, the dirk!”

“There it is for you then, since less wunna serve. But think on what I was saying. Waes me, it will be sair news in the braes of Balquidder that Robin Oig M’Combich should have run an ill gate, and ta’en on.”

“Ill news in Balquidder, indeed!” echoed poor Robin. “But Cot speed you, Hughie, and send you good marcats. Ye winna meet with Robin Oig again, either at tryste or fair.”

So saying, he shook hastily the hand of his acquaintance, and set out in the direction from which he had advanced, with the spirit of his former pace.

“There is something wrang with the lad,” muttered the Morrison to himself; “but we will maybe see better into it the morn’s morning.”

But long ere the morning dawned, the catastrophe of our tale had taken place. It was two hours after the affray had happened, and it was totally forgotten by almost every one, when Robin Oig returned to Heskett’s inn. The place was filled at once by various sorts of men, and with noises corresponding to their character. There were the grave low sounds of men engaged in busy traffic, with the laugh, the song, and the riotous jest of those who had nothing to do but to enjoy themselves. Among the last was Harry Wakefield, who, amidst a grinning group of smock-frocks, hobnailed shoes, and jolly English physiognomies, was trolling forth the old ditty —

“What though my name be Roger,
Who drives the plough and cart —”

when he was interrupted by a well-known voice saying in a high and stern voice, marked by the sharp Highland accent, “Harry Waakfelt — if you be a man stand up!”

“What is the matter? — what is it?” the guests demanded of each other.

“It is only a d — d Scotsman,” said Fleecebumpkin, who was by this time very drunk, “whom Harry Wakefield helped to his broth today, who is now come to have HIS CAULD KAIL het again.”

“Harry Waakfelt,” repeated the same ominous summons, “stand up, if you be a man!”

There is something in the tone of deep and concentrated passion, which attracts attention and imposes awe, even by the very sound. The guests shrunk back on every side, and gazed at the Highlander as he stood in the middle of them, his brows bent, and his features rigid with resolution.

"I will stand up with all my heart, Robin, my boy, but it shall be to shake hands with you, and drink down all unkindness. It is not the fault of your heart, man, that you don't know how to clench your hands."

By this time he stood opposite to his antagonist, his open and unsuspecting look strangely contrasted with the stern purpose, which gleamed wild, dark, and vindictive in the eyes of the Highlander.

"Tis not thy fault, man, that, not having the luck to be an Englishman, thou canst not fight more than a school-girl."

"I can fight," answered Robin Oig sternly, but calmly, "and you shall know it. You, Harry Waakfelt, showed me today how the Saxon churls fight; I show you now how the Highland Dunnie-wassel fights."

He seconded the word with the action, and plunged the dagger, which he suddenly displayed, into the broad breast of the English yeoman, with such fatal certainty and force that the hilt made a hollow sound against the breast-bone, and the double-edged point split the very heart of his victim. Harry Wakefield fell and expired with a single groan. His assassin next seized the bailiff by the collar, and offered the bloody poniard to his throat, whilst dread and surprise rendered the man incapable of defence.

"It were very just to lay you peside him," he said, "but the blood of a pase pickthank shall never mix on my father's dirk, with that of a brave man."

As he spoke, he cast the man from him with so much force that he fell on the floor, while Robin, with his other hand, threw the fatal weapon into the blazing turf-fire.

"There," he said, "take me who likes — and let fire cleanse blood if it can."

The pause of astonishment still continuing, Robin Oig asked for a peace-officer, and a constable having stepped out, he surrendered himself to his custody.

"A bloody night's work you have made of it," said the constable.

"Your own fault," said the Highlander. "Had you kept his hands off me twa hours since, he would have been now as well and merry as he was twa minutes since."

"It must be sorely answered," said the peace-officer.

"Never you mind that — death pays all debts; it will pay that too."

The horror of the bystanders began now to give way to indignation, and the sight of a favourite companion murdered in the midst of them, the provocation being, in their opinion, so utterly inadequate to the excess of vengeance, might have induced them to kill the perpetrator of the deed even upon the very spot. The constable, however, did his duty on this occasion, and with the assistance of some of the more reasonable persons present, procured horses to guard the prisoner to Carlisle, to abide his doom at the next assizes. While the escort was preparing, the prisoner neither expressed the least interest, nor attempted the slightest reply. Only, before he was carried from the fatal apartment, he desired to look at the dead body, which, raised from the floor, had been deposited upon the large table (at the head of which Harry Wakefield had presided but a few minutes before, full of life, vigour, and animation), until the surgeons should examine the mortal wound. The face of the corpse was decently covered with a napkin. To the surprise and horror of the bystanders, which displayed itself in a general AH! drawn through clenched teeth and half-shut lips, Robin Oig removed the cloth, and gazed with a mournful but steady eye on the lifeless visage, which had been so lately animated that the smile of good-humoured confidence in his own strength, of conciliation at once and contempt towards his enemy, still curled his lip. While those present expected that the wound, which had so lately flooded the apartment with gore, would send forth fresh streams at the touch of the homicide, Robin Oig replaced the covering with the brief exclamation, "He was a pretty man!"

My story is nearly ended. The unfortunate Highlander stood his trial at Carlisle. I was myself present, and as a young Scottish lawyer, or barrister at least, and reputed a man of some quality, the politeness of the Sheriff of Cumberland offered me a place on the bench. The facts of the case were proved in the manner I have related them; and whatever might be at first the prejudice of the audience against a crime so unEnglish as that of assassination from revenge, yet when the rooted national prejudices of the prisoner had been explained, which made him consider himself as stained with indelible dishonour, when subjected to personal violence — when his previous patience, moderation, and endurance were considered — the generosity of the English audience was inclined to regard his crime as the wayward aberration of a false idea of honour rather than as flowing from a heart naturally savage, or perverted by habitual vice. I shall never forget the charge of the venerable judge to the jury, although not at that time liable to be much affected either by that which was eloquent or pathetic.

“We have had,” he said, “in the previous part of our duty” (alluding to some former trials), “to discuss crimes which infer disgust and abhorrence, while they call down the well-merited vengeance of the law. It is now our still more melancholy task to apply its salutary though severe enactments to a case of a very singular character, in which the crime (for a crime it is, and a deep one) arose less out of the malevolence of the heart, than the error of the understanding — less from any idea of committing wrong, than from an unhappily perverted notion of that which is right. Here we have two men, highly esteemed, it has been stated, in their rank of life, and attached, it seems, to each other as friends, one of whose lives has been already sacrificed to a punctilio, and the other is about to prove the vengeance of the offended laws; and yet both may claim our commiseration at least, as men acting in ignorance of each other’s national prejudices, and unhappily misguided rather than voluntarily erring from the path of right conduct.

“In the original cause of the misunderstanding, we must in justice give the right to the prisoner at the bar. He had acquired possession of the enclosure, which was the object of competition, by a legal contract with the proprietor, Mr. Ireby; and yet, when accosted with reproaches undeserved in themselves, and galling, doubtless, to a temper at least sufficiently susceptible of passion, he offered notwithstanding, to yield up half his acquisition, for the sake of peace and good neighbourhood, and his amicable proposal was rejected with scorn. Then follows the scene at Mr. Heskett the publican’s, and you will observe how the stranger was treated by the deceased, and, I am sorry to observe, by those around, who seem to have urged him in a manner which was aggravating in the highest degree. While he asked for peace and for composition, and offered submission to a magistrate, or to a mutual arbiter, the prisoner was insulted by a whole company, who seem on this occasion to have forgotten the national maxim of ‘fair play;’ and while attempting to escape from the place in peace, he was intercepted, struck down, and beaten to the effusion of his blood.

“Gentlemen of the jury, it was with some impatience that I heard my learned brother who opened the case for the crown give an unfavourable turn to the prisoner’s conduct on this occasion. He said the prisoner was afraid to encounter his antagonist in fair fight, or to submit to the laws of the ring; and that therefore, like a cowardly Italian, he had recourse to his fatal stiletto, to murder the man whom he dared not meet in manly encounter. I observed the prisoner shrink from this part of the accusation with the abhorrence natural to a brave man; and as I would wish to make my words impressive when I point his real crime, I must secure his opinion of my impartiality by rebutting everything that seems to me a false accusation. There can be no doubt that the prisoner is a man of resolution — too much resolution. I wish to Heaven that he had less — or, rather that he had had a better education to regulate it.

“Gentlemen, as to the laws my brother talks of, they may be known in the bull-ring, or the bear-garden, or the cock-pit, but they are not known here. Or, if they should be so far admitted as furnishing a species of proof that no malice was intended in this sort of combat, from which fatal accidents do sometimes arise, it can only be so admitted when both parties are *IN PARI CASU*, equally acquainted with, and equally willing to refer themselves to, that species of arbitrament. But will it be contended that a man of superior rank and education is to be subjected, or is obliged to subject himself, to this coarse and brutal strife, perhaps in opposition to a younger, stronger, or more skilful opponent? Certainly even the pugilistic code, if founded upon the fair play of Merry Old England, as my brother alleges it to be, can contain nothing so preposterous. And, gentlemen of the jury, if the laws would support an English gentleman, wearing, we will suppose, his sword, in defending himself by force against a violent personal aggression of the nature offered to this prisoner, they will not less protect a foreigner and a stranger, involved in the same displeasing circumstances. If, therefore, gentlemen of the jury, when thus pressed by a *VIS MAJOR*, the object of obloquy to a whole company, and of direct violence from one at least, and, as he might reasonably apprehend, from more, the panel had produced the weapon which his countrymen, as we are informed, generally carry about their persons, and the same unhappy circumstance had ensued which you have heard detailed in evidence, I could not in my conscience have asked from you a verdict of murder. The prisoner’s personal defence might indeed, even in that case, have gone more or less beyond the *MODERAMEN INCULPATAE TUTELAE*, spoken of by lawyers; but the punishment incurred would have been that of manslaughter, not of murder. I beg leave to add that I should have thought this milder species of charge was demanded in the case supposed, notwithstanding the statute of James I. cap. 8, which takes the case of slaughter by stabbing with a short weapon, even without *MALICE PREPENSE*, out of the benefit of clergy. For this statute of stabbing, as it is termed, arose out of a temporary cause; and as the real guilt is the same, whether the slaughter be committed by the dagger, or by sword or pistol, the benignity of the modern law places them all on the same, or nearly the same, footing.

“But, gentlemen of the jury, the pinch of the case lies in the interval of two hours interposed betwixt the reception of

the injury and the fatal retaliation. In the heat of affray and CHAUDE MELEE, law, compassionating the infirmities of humanity, makes allowance for the passions which rule such a stormy moment — for the sense of present pain, for the apprehension of further injury, for the difficulty of ascertaining with due accuracy the precise degree of violence which is necessary to protect the person of the individual, without annoying or injuring the assailant more than is absolutely necessary. But the time necessary to walk twelve miles, however speedily performed, was an interval sufficient for the prisoner to have recollected himself; and the violence with which he carried his purpose into effect, with so many circumstances of deliberate determination, could neither be induced by the passion of anger, nor that of fear. It was the purpose and the act of predetermined revenge, for which law neither can, will, nor ought to have sympathy or allowance.

“It is true, we may repeat to ourselves, in alleviation of this poor man’s unhappy action, that his case is a very peculiar one. The country which he inhabits was, in the days of many now alive, inaccessible to the laws, not only of England, which have not even yet penetrated thither, but to those to which our neighbours of Scotland are subjected, and which must be supposed to be, and no doubt actually are, founded upon the general principles of justice and equity which pervade every civilized country. Amongst their mountains, as among the North American Indians, the various tribes were wont to make war upon each other, so that each man was obliged to go armed for his own protection. These men, from the ideas which they entertained of their own descent and of their own consequence, regarded themselves as so many cavaliers or men-at-arms, rather than as the peasantry of a peaceful country. Those laws of the ring, as my brother terms them, were unknown to the race of warlike mountaineers; that decision of quarrels by no other weapons than those which nature has given every man must to them have seemed as vulgar and as preposterous as to the NOBLESSE of France. Revenge, on the other hand, must have been as familiar to their habits of society as to those of the Cherokees or Mohawks. It is indeed, as described by Bacon, at bottom a kind of wild untutored justice; for the fear of retaliation must withhold the hands of the oppressor where there is no regular law to check daring violence. But though all this may be granted, and though we may allow that, such having been the case of the Highlands in the days of the prisoner’s fathers, many of the opinions and sentiments must still continue to influence the present generation, it cannot, and ought not, even in this most painful case, to alter the administration of the law, either in your hands, gentlemen of the jury, or in mine. The first object of civilisation is to place the general protection of the law, equally administered, in the room of that wild justice which every man cut and carved for himself, according to the length of his sword and the strength of his arm. The law says to the subjects, with a voice only inferior to that of the Deity, ‘Vengeance is mine.’ The instant that there is time for passion to cool, and reason to interpose, an injured party must become aware that the law assumes the exclusive cognisance of the right and wrong betwixt the parties, and opposes her inviolable buckler to every attempt of the private party to right himself. I repeat that this unhappy man ought personally to be the object rather of our pity than our abhorrence, for he failed in his ignorance, and from mistaken notions of honour. But his crime is not the less that of murder, gentlemen, and, in your high and important office, it is your duty so to find. Englishmen have their angry passions as well as Scots; and should this man’s action remain unpunished, you may unsheath, under various pretences, a thousand daggers betwixt the Land’s-End and the Orkneys.”

The venerable Judge thus ended what, to judge by his apparent emotion, and by the tears which filled his eyes, was really a painful task. The jury, according to his instructions, brought in a verdict of Guilty; and Robin Oig M’Combich, ALIAS McGregor, was sentenced to death, and left for execution, which took place accordingly. He met his fate with great firmness, and acknowledged the justice of his sentence. But he repelled indignantly the observations of those who accused him of attacking an unarmed man. “I give a life for the life I took,” he said, “and what can I do more?”⁴⁶

NOTE TO THE TWO DROVERS.

⁴⁶ Robert Donn’s poems.

I cannot dismiss this story without resting attention for a moment on the light which has been thrown on the character of the Highland Drover since the time of its first appearance, by the account of a drover poet, by name Robert Mackay, or, as he was commonly called, Rob Donn — that is, Brown Robert — and certain specimens of his talents, published in the ninetieth number of the Quarterly Review. The picture which that paper gives of the habits and feelings of a class of persons with which the general reader would be apt to associate no ideas but those of wild superstition and rude manners, is in the highest degree interesting, and I cannot resist the temptation of quoting two of the songs of this hitherto unheard-of poet of humble life. They are thus introduced by the reviewer:—

“Upon one occasion, it seems, Rob’s attendance upon his master’s cattle business detained him a whole year from home, and at his return he found that a fair maiden to whom his troth had been plighted of yore had lost sight of her vows, and was on the eve of being married to a rival (a carpenter by trade), who had profited by the young drover’s absence. The following song was composed during a sleepless night, in the neighbourhood of Creiff, in Perthshire,

and the home sickness which it expresses appears to be almost as much that of the deer-hunter as of the loving swain.

'EASY IS MY BED, IT IS EASY,
BUT IT IS NOT TO SLEEP THAT I INCLINE;
THE WIND WHISTLES NORTHWARDS, NORTHWARDS,
AND MY THOUGHTS MOVE WITH IT.
More pleasant were it to be with thee
In the little glen of calves,
Than to be counting of droves
In the enclosures of Creiff.
EASY IS MY BED, ETC.

'Great is my esteem of the maiden
Towards whose dwelling the north wind blows;
She is ever cheerful, sportive, kindly,
Without folly, without vanity, without pride.
True is her heart — were I under hiding,
And fifty men in pursuit of my footsteps,
I should find protection, when they surrounded me most closely,
In the secret recess of that shieling.
EASY IS MY BED, ETC.

'Oh for the day for turning my face homeward,
That I may see the maiden of beauty —
Joyful will it be to me to be with thee,
Fair girl with the long heavy locks!
Choice of all places for deer-hunting
Are the brindled rock and the ridge!
How sweet at evening to be dragging the slain deer
Downwards along the piper's cairn!
EASY IS MY BED, ETC.

'Great is my esteem for the maiden
Who parted from me by the west side of the enclosed field;
Late yet again will she linger in that fold,
Long after the kine are assembled.
It is I myself who have taken no dislike to thee,
Though far away from thee am I now.
It is for the thought of thee that sleep flies from me;
Great is the profit to me of thy parting kiss!
EASY IS MY BED, ETC.

'Dear to me are the boundaries of the forest;
Far from Creiff is my heart;
My remembrance is of the hillocks of sheep,
And the heath of many knolls.
Oh for the red-streaked fissures of the rock,
Where in spring time the fawns leap;
Oh for the crags towards which the wind is blowing —
Cheap would be my bed to be there!
EASY IS MY BED, ETC.'

"The following describes Rob's feelings on the first discovery of his damsel's infidelity. The airs of both these pieces are his own, and, the Highland ladies say, very beautiful.

'Heavy to me is the shieling, and the hum that is in it,
Since the ear that was wont to listen is now no more on the watch.
Where is Isabel, the courteous, the conversable, a sister in kindness?
Where is Anne, the slender-browed, the turret-breasted, whose glossy hair pleased me when yet a boy?
HEICH! WHAT AN HOUR WAS MY RETURNING!
PAIN SUCH AS THAT SUNSET BROUGHT, WHAT AVAILETH ME TO TELL IT?

'I traversed the fold, and upward among the trees —
Each place, far and near, wherein I was wont to salute my love.
When I looked down from the crag, and beheld the fair-haired stranger dallying with his bride,
I wished I had never revisited the glen of my dreams.
SUCH THINGS CAME INTO MY HEART AS THAT SUN WAS GOING DOWN,
A PAIN OF WHICH I SHALL NEVER BE RID, WHAT AVAILETH ME TO TELL IT?

'Since it has been heard that the carpenter had persuaded thee,
My sleep is disturbed — busy is foolishness within me at midnight.
The kindness that has been between us, I cannot shake off that memory in visions;
Thou callest me not to thy side; but love is to me for a messenger.
THERE IS STRIFE WITHIN ME, AND I TOSS TO BE AT LIBERTY;
AND EVER THE CLOSER IT CLINGS, AND THE DELUSION IS GROWING TO ME AS A TREE.

'Anne, yellow-haired daughter of Donald, surely thou knowest not how it is with me —
That it is old love, unrepaid, which has worn down from me my strength;
That when far from thee, beyond many mountains, the wound in my heart was throbbing,
Stirring, and searching for ever, as when I sat beside thee on the turf.
NOW, THEN, HEAR ME THIS ONCE, IF FOR EVER I AM TO BE WITHOUT THEE,
MY SPIRIT IS BROKEN— GIVE ME ONE KISS ERE I LEAVE THIS LAND!

'Haughtily and scornfully the maid looked upon me:—
Never will it be work for thy fingers to unloose the band from my curls.
Thou hast been absent a twelvemonth, and six were seeking me diligently;
Was thy superiority so high that there should be no end of abiding for thee?
HA! HA! HA! HAST THOU AT LAST BECOME SICK?
IS IT LOVE THAT IS TO GIVE DEATH TO THEE? SURELY THE ENEMY HAS BEEN IN NO HASTE.

'But how shall I hate thee, even though towards me thou hast become cold?
When my discourse is most angry concerning thy name in thine absence,
Of sudden thine image, with its old dearness, comes visibly into my mind,
And a secret voice whispers that love will yet prevail!
AND I BECOME SURETY FOR IT ANEW, DARLING,
AND IT SPRINGS UP AT THAT HOUR LOFTY AS A TOWER.'

"Rude and bald as these things appear in a verbal translation, and rough as they might possibly appear, even were the originals intelligible, we confess we are disposed to think they would of themselves justify Dr. Mackay (their Editor) in placing this herdsman-lover among the true sons of song."—
QUARTERLY REVIEW, NO. XC., JULY 1831.



This web edition published by:
eBooks@Adelaide
The University of Adelaide Library
University of Adelaide
South Australia 5005

<https://ebooks.adelaide.edu.au/s/scott/walter/chronicles/chapter15.html>

Last updated Tuesday, August 25, 2015 at 14:13